

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DESIREE ALLAIRE)	
)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO. 03-CV-12566 RWZ
JODAN KALEMRA, alias, a/k/a)	
JODAN KALEMBA, RYDER TRUCK)	
RENTAL, LT., RTRT, INC. in its capacity)	
As trustee for the Ryder Truck Rental, Lt.)	
RYDER TRUCK RENTAL, INC.,)	
IRON MOUNTAIN OFF-SITE DATA,)	
INC. f/k/a ARCUS DATA SECURITY,)	
INC., JOHN DOES 1-5)	
)	
Defendants.)	
)	

**DEFENDANTS', KALEMBA JODAN, IRON MOUNTAIN INFORMATION
MANAGEMENT, INC. AND RYDER TRUCK RENTAL,
MOTION FOR SUMMARY JUDGMENT**

The Defendants, Kalembo Jodan ("Jodan"), Iron Mountain Information Management, Inc. ("Iron Mountain") and Ryder Truck Rental, ("Ryder")(collectively referred to as the "Defendants") hereby submit this Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure seeking to dismiss the Plaintiff's, Desiree Allaire ("Plaintiff"), claims against the Defendants sounding in negligence (Count I), negligent hiring and supervision (Count II), negligent maintenance (Count III), and respondeat superior (Count IV and Count V). The Defendants state that there are no genuine issues of material fact and that pursuant to Fed. R. Civ. P. 56(c), the

Defendants are entitled to Summary Judgment as a matter of law. For the following reasons, the Defendants' Motion for Summary Judgment should be granted in its entirety:

- 1. The Plaintiff's Claims Necessarily Fail Where There Is No Admissible Evidence To Support A Reasonable Inference That Any Allegedly Negligent Act and/or Omission of Jodan In Operating The Subject Ryder Van Was a Proximate Cause Of The Accident;**
 - A. Where There Is No Admissible Evidence That Jodan Was Negligent In His Operation Of The Subject Ryder Truck, The Plaintiff's Claim For Negligent Hiring And Supervision Must Also Fail.**
 - B. Where There Is No Admissible Evidence That Jodan Was Negligent In His Operation Of The Subject Ryder Truck, The Plaintiff's Claims Against Iron Mountain And Ryder For Respondeat Superior Must Fail.**
- 2. In The Absence Of An Expert Opinion That Any Of The Defendants Should Reasonably Have Known That The Subject Tire Was Unreasonably Dangerous And/r Defective prior To Its Failure, he Plaintiff's Claims Necessarily Fail.**

In support of their Motion for Summary Judgment, the Defendants refer to and incorporate herein by reference the accompanying Concise Statement of Facts, the Defendants' Memorandum of Law in Support of their Motion for Summary Judgment, and the Affidavit of Mark B. Lavoie (together with the Appendices annexed thereto).

WHEREFORE, the Defendants, Kalemba Jodan, Iron Mountain Information Management, Inc. and Ryder Truck Rental, request that their Motion for Summary Judgment be allowed against the Plaintiff, Desiree Allaire, and that all claims brought by the Plaintiff against the Defendants be dismissed.

Respectfully submitted,

The Defendants,
Kalemba Jodan, Iron Mountain Information
Management, Inc. and Ryder Truck Rental
By their attorney,



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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing
pleading on all parties by electronic service, to all
counsel of record.
Signed under the pains and penalties of perjury.

DATED: 

August 30, 2006